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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,964	03/02/2004	Charlton E. Lui	73264.03/40062.59USD1	3688
<div>7590      05/16/2007</div> <div>Erik G. Swenson MERCHANT &amp; GOULD P.C. P.O. Box 2903 Minneapolis, MN 55402-0903</div>				
<div>EXAMINER</div> <div>DISTEFANO, GREGORY A</div>				
<div>ART UNIT      PAPER NUMBER</div> <div>2109</div>				
<div>MAIL DATE      DELIVERY MODE</div> <div>05/16/2007      PAPER</div>				

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/791,964

Applicant(s)

LUI ET AL.

Examiner

Gregory A. DiStefano

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 40-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 40-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date 6/1/2004 & 8/8/2006.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This communication is in response to the application filed on 3/2/2004.
2. As per applicant's remarks filed on 3/2/2004, claims 1-39 have been cancelled while claims 40-51 are pending and submitted for examination.
3. The examiner acknowledges applicant's claim to a divisional of U.S. Patent Application Serial number 09/516,572, filed 3/1/2000.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 40-42, 44-48, 50 and 51 are rejected under 35 U.S.C. 102(b) as being anticipated by Snell (US 5,749,908).
6. As per claims 40 and 46, Snell teaches the following:  
receiving an indication from the computing device to modify the user interface,  
(column 12, lines 8-10), i.e. voice annotation of the medical data preferably is initiated by tapping the pen 102 (FIG. 1) onto a voice annotation tool icon 350;

displaying an identification block (e.g. highlighted tabs), (column 10, lines 7-10), i.e. a highlighted vertical tab 206 and a highlighted horizontal tab 208 remind the physician or medical specialist of the context of the current screen display;

displaying a record toolbar (Fig. 8, #370), (column 12, lines 60-64), i.e. after the physician has confirmed the connection point, a control window 368 appears in the lower window 200 as shown in FIG. 8. Tapping a begin recording button 370 preferably causes the tablet computer 100 to begin recording voice data;

displaying a note pad (Fig. 17, #408), (column 17, lines 22-24), tapping the transcribe button 400 causes a transcription menu 406 and a text window 408 to appear on the display screen as shown in Fig. 17;

displaying a note tab (e.g. transcription menu), (column 17, lines 22-24), tapping the transcribe button 400 causes a transcription menu 406 and a text window 408 to appear on the display screen as shown in Fig. 17.

7. Regarding claims 41 and 47, Snell teaches the method of claims 40 and 46 as described above. Snell further teaches the following:

the step of displaying an identification block includes displaying information regarding a currently running application in the identification block, (column 10, lines 7-10), i.e. a highlighted vertical tab 206 and a highlighted horizontal tab 208 remind the physician or medical specialist of the context of the current screen display.

8. Regarding claims 42 and 48, Snell teaches the method of claims 40 and 46 as described above. Snell further teaches the following:

the step of displaying a record toolbar includes displaying a record button, a stop button, a play button, a fast forward button, and a rewind button, (column 12, lines 60-64), i.e. after the physician has confirmed the connection point, a control window 368 appears in the lower window 200 as shown in FIG. 8. Tapping a begin recording button 370 preferably causes the tablet computer 100 to begin recording voice data, (column 17, lines 51-54), i.e. a play button 426, a stop button 428, a fast-forward button 430, a rewind button 432, and a restart button 434 preferably are provided so that the medical specialist can listen to the voice annotation 410. The examiner interprets that since the stop button, play button, fast forward button, and rewind button are used to review annotations made using the recording buttons, they are all essentially part of the same "toolbar".

9. Regarding claims 44 and 50, Snell teaches the method of claims 41 and 46 as described above. Snell further teaches the following:

the step of displaying a note pad includes displaying both text data (Fig. 18, #436) and an icon (Fig. 18, #422) referring to an embedded voice note, (column 17, lines 47-50), i.e. a selection label 420 preferably informs the medical specialist which voice annotation has been selected by displaying a flag letter 422 and a date and time of recording 424.

10. Regarding claims 51 and 45, Snell teaches the method of claims 41 and 46 as described above. Snell further teaches the following:

the step of displaying a note tab includes displaying a note tab (e.g. "SAVE" button) to provide an indication to a user that the user is in a record portion of a currently running application, (column 17, lines 31-35), i.e. the transcription indicator 416 preferably is either "Y" or "N". As shown in FIG. 17, the transcription indicator 416 of the voice annotation 410 is "N", meaning that the voice annotation 410 has not been transcribed, (column 18, lines 20-21), i.e. The medical specialist preferably saves the transcribed text by tapping a save button 438. The examiner finds that a list of all recorded voice annotations and a transcription indicator, along with a large button marked "SAVE" is a clear indication to a user that they are in a record portion of the application. The examiner would like to further note that saving data is a form of recording data.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 43 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snell, as applied to claims 40, 42, 46 and 49 above, in view of Murray (5,699,089).

12. Regarding claims 43 and 49, Snell teaches the method of claims 42 and 48 as described above. However, Snell does not explicitly teach a method of displaying lengths of recordings. Murray teaches the following:

the step of displaying a record toolbar further includes displaying a status bar indicating a relative length of a recording, (column 4, lines 57-64), i.e. In the embodiment of FIG. 4, each identifier in the list includes an icon 402, e.g., to indicate the opened or unopened status of the object, a sender field 404, to indicate the identity of the sender of the message, a time 406 to indicate the receipt time, a length 408 to indicate the length of the message, a second icon 410 to indicate the type of object (voicemail, fax, e-mail, etc.) and a field 412 for indicating the subject of the object.

It would have been obvious to one skilled in the art at the time the invention was made, to have combined the recording display of Snell with the displaying of recording lengths of Murray. One skilled in the art would have been motivated to make such modifications because Murray discusses the objects of his invention being, (column 1, lines 17-26), i.e. among the various information objects which can be manipulated or controlled using a computer, are sequential-playback objects (SPO), i.e., objects which, in normal use, are reproduced, played or displayed in a predetermined preferred time sequence, having a beginning, a middle and an end. Examples include audio objects such as recorded or stored voicemail messages, document audio annotation, and soundtracks of audio-visual objects such as audio-visual presentations (similar to "slide shows" or "videos"). One skilled in the art would have found such modifications to be

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beneficial because displaying the length of a recording would give a user a general idea of how long it would take to listen to the recording, thus allowing them to better plan their time.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Boaz et al. (US 5,333,266), method and apparatus for message handling in computer systems.

Milne et al. (US 5,390, 138), object-oriented audio system.

Bertino et al. (US 5,481,645), Portable computer with verbal annotations.

Hyde-Thomson (US 5,557,659), electronic mail system having integrated voice messages.

King et al. (US 5,600,775), method and apparatus for annotating full motion video and other indexed data structures.

Levine et al. (US 5,625,833), document annotation and manipulation in a data processing system.

Qua et al. (US 6,222,909), audio note taking system and method for communication devices.

Rubin et al. (US 2002/0099552), annotating electronic information with audio clips.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory A. DiStefano whose telephone number is (571)270-1644. The examiner can normally be reached on 7:30am-5:00pm Mon.-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xiao Wu can be reached on (571)272-7761. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

G.A.D.  
5/10/2007

  
XIAO WU  
SUPERVISORY PATENT EXAMINER